IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 7122 OF 2005
IN
CRIMINAL APPEAL NO. 881 OF 2005

Mahesh S. Modi ...Applicant

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. J.V. Dave, Advocate for Applicant

Mr. H.V. Mehta with Mr. J.C. Satpute, Advocates for Respondent No.2.

Mr. U.V. Nikam, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 26TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicant, Mr. H.V. Mehta, learned advocate for C.B.I. and the learned A.P.P. for State.

2. Leave to amend. Amendment to be carried out forthwith.

3. The applicant is seeking bail. The applicant has been convicted under Section 420 and 409 r.w. 120-B of I.P.C. and sentenced to R.I. for one year.

4. It is stated by the learned advocate for the applicant that the applicant was on bail pending the trial and this liberty has not been misused by him. This statement has not been controverted by the prosecution. It is further submitted by the learned advocate for the applicant that the maximum sentence imposed on the applicant is one year and this appeal is not likely to be heard within the said time.

5. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat reported in (1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. Looking to the above facts and evidence on record, I am inclined to grant bail.

6. The applicant Mahesh S. Modi to be released on bail in the sum of Rs.20,000/- with one or two sureties to make up the said amount. Three weeks time is granted to the applicant to furnish necessary sureties.

7. Application is disposed of.

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